

**ARTICLE 21****ENFORCEMENT, VIOLATIONS AND PENALTIES****§ 21.01. ENFORCEMENT AUTHORITY.**

- A. **Town Council.** The Town Council shall enforce this Land Use Ordinance. To that end, this ordinance requires the issuance of specified permits, certificates or authorizations as a precedent to:
1. the erection, construction, alteration, repair, remodeling, conversion, removal or destruction of any building or structure;
  2. the use or occupancy of any building, structure or land; and,
  3. the subdivision or resubdivision of any land.
- B. **Zoning Officer.** Pursuant to the enforcement authority of the Town Council, it shall be the duty of the Zoning Officer to act as the Council's agent in the enforcement of this ordinance, except as may be provided otherwise by this ordinance or by other law. Pursuant to this duty, the Zoning Officer shall:
1. review applications for construction permits, demolition permits, zoning approvals, certificates of occupancy, subdivisions, site plans and variances for compliance with the provisions of the Land Use Ordinance and, in appropriate circumstances as specified by this ordinance, to issue or deny zoning approvals;
  2. investigate any alleged violation of the Land Use ordinance coming to his attention, including but not limited to the express provisions of the Land Use Ordinance and any terms and conditions of approval granted pursuant to the Land Use Ordinance, whether knowledge of such alleged violation is by complaint of third persons or from his own personal knowledge or observation; and,
  3. when it is determined that any building or structure is erected, constructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of any provision of the ordinance, including but not limited to the express provisions of this ordinance and any terms and conditions of approval granted pursuant to the Land Use Ordinance by the Planning Board and Zoning Board of Adjustment, proceed with the enforcement of this

ordinance and the penalties provided for hereunder. The Zoning Officer may also pursue such other statutory method or methods, heretofore or hereafter provided, as may be open to him.

**§ 21.02. VIOLATIONS.**

- A. **Power to obtain warrants.** In the enforcement of this ordinance, the Zoning Officer may apply to the Municipal Court of the Town of Westfield for a warrant or warrants to search and inspect the properties and premises upon which he has reason to believe any violation of this ordinance has taken or is taking place and, upon probable cause shown, the Magistrate may issue such a warrant or warrants and the information obtained pursuant thereto shall be admissible as evidence in any court of competent jurisdiction for the purpose of proving any case brought for violation of this ordinance.
- B. **Issuance of abatement notices.** For any violation of this ordinance, the Zoning Officer may issue a notice to abate said violation(s). Such notices shall be sent by certified mail, return receipt requested, or by personal service. Each and every day that a violation of this ordinance continues after five (5) days of the mailing or personal service, as the case may be, of such notice shall be deemed a separate and distinct violation.
- C. **Power to institute court action.** In case any building or structure is erected, constructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this ordinance, the Zoning Officer or other authorized local agencies, as contained herein or as otherwise provided by law, or any interested party may, in addition to other remedies, institute any appropriate action or proceedings, including but not limited to the signing of a complaint to be heard in the Municipal Court of the Town of Westfield or other appropriate court, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

**§ 21.03. PENALTIES.**

For any and every violation of this ordinance, the owner, contractor or other person or persons interested as lessees, tenants or otherwise in any building or structure, land or premises where such violation has been committed or continues to exist, shall be subject to a fine not to exceed two hundred dollars (\$200.00) or ninety (90) days imprisonment, or both, at the discretion of the court having jurisdiction over the matter.